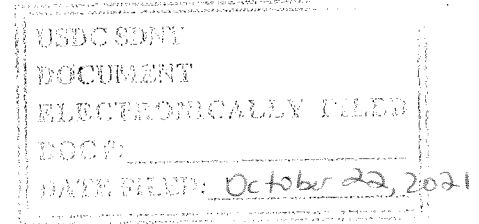


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
EQUIBAL, INC.,

Plaintiff,

v.

365 SUN LLC d/b/a NUTREE COSMETICS,  
NUTREE PROFESSIONAL BRAZIL,  
LANCE THOMPSON, NATALIA Y.  
LIKHACHEVA, BRUNO BORGES  
GARCIA, and JOHN DOES 1-10,  
Defendants.  
-----X

**ORDER**

21 CV 6254 (VB)

On July 22, 2021, plaintiff Equibal, Inc. commenced the instant action against defendants 365 Sun LLC d/b/a Nutree Cosmetics, Nutree Professional Brazil, Lance Thompson, Natalia Y. Likhacheva, Bruno Borges Garcia, and John Does 1-10. (Doc. #1).

More than ninety days have elapsed since the complaint was filed. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure: "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against the defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

Pursuant to Rule 4(m), plaintiff had until October 20, 2021, to serve all defendants. However, according to the docket, only defendants 365 Sun LLC (Doc. #7), Lance Thompson (Doc. #8), and Natalia Y. Likhacheva (Doc. #9) have been served. That is, there is no proof Nutree Professional Brazil or Bruno Borges Garcia have been served.

Accordingly, pursuant to Rule 4(m), this action will be dismissed without prejudice as to defendants Nutree Professional Brazil and Bruno Borges Garcia unless, on or before **October 29, 2021**, plaintiff either: (i) files on the ECF docket proof of service, indicating these defendants were served on or before October 20, 2021; or (ii) shows good cause in writing for its failure to comply with Rule 4(m).

Dated: October 22, 2021  
White Plains, NY

SO ORDERED:

Vincent L. Briccetti  
United States District Judge